IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 1291 of 1999**

Between:

D. Ananda Babu, S/o.D.Papanna, aged about 32 years,

R/o. 27/67, Shop Street, Puttur, Chittoor District.

**..... PETITIONER**

AND

1. The Superintending Engineer, Operation,

APSEB, Bhavani Nagar, Tirupathi, Chittoor District.

2. The Chief Engineer, Nellore Zone, APSEB, Nellore.

3. Shaik Hyath Basha, S/o. not known, APSEB,

Vedurukuppam Section, Karveti Nagaram, Sub Division,

Puttuur Division, Chittoor District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus, declaring the proceedings of the first respondent issued in

Lr.No.SE.O.TPT.PO. ADM.U1.FSF.D.O.64, dt.11.1.1999, as illegal, arbitrary and violative of principles of natural justice and Article 14 and 16 of the constitution of India and consequently direct the respondents to appoint the petitioner as Junior Lineman forthwith by conferring all service benefits with consequential benefits by treating that the petitioner is appointed as Junior Lineman on par with the third respondent on 24.4.1989.

**Counsel for the Petitioner:MR.M.SUBBA REDDY**

**Counsel for the Respondent Nos.1&2: MR.SAMINENI KISHORE**

**The Court made the following :**

**ORDER:**

This Writ Petition is filed challenging the order passed by the first respondent in his letter No.SE.O.TPT. PO.ADM.U1.FSF.D.O.64, dated 11.1.1999, through which, the case of the petitioner was rejected for being appointed as per the terms of B.P.Ms.No.36, dated 18.5.1997.

Through the impugned orders, the request of the petitioner for being appointed in the respondents Board was rejected on two grounds; (i) that the number of mandates put in by the petitioner, as per the records of the respondents, were not sufficient as per the guidelines; and (ii) as per the service certificate, the petitioner is under-aged. In fact, the letter addressed by the Assistant Accounts Officer, Electricity Revenue Officer, Puttur, to the Divisional Engineer, dated 27.7.1985 clearly indicates that the petitioner had put in 109 mandates. Since the petitioner passed intermediate examinations, the number of mandates required to be completed by him, as per orders of the respondents issued in Memo No.OSD(P)/DM.I/A3/1138/85-1, dated 26.8.1985, was 80. Whereas, even according to the records of the respondents-Board, the petitioner had completed 109 working days. Therefore, the contention of the respondents-Board that the petitioner had not put in required number of mandates, cannot be countenanced.

Insofar as the allegation of the respondents-Board that the petitioner was under-aged when he was engaged as a casual labour on 19.4.1981 and therefore, his case cannot be considered, is also equally false, since the certificate produced by the petitioner, issued by the Board of Secondary Education, A.P. (S.S.C.) clearly

indicates the date of birth of the petitioner as 1.11.1961. Since the date of birth of the petitioner is 1.11.1961 and since the petitioner was for the first time engaged as a casual labour on 19.4.1981, it cannot be said that the petitioner was a minor at that point of time.

In view of the above, the respondents 1 and 2 are directed to re-consider the case of the petitioner for appointment to the post of Junior Lineman and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

_____ C.V.RAMULU, J

04th JULY, 2005

tsr.

To

1. The Superintending Engineer, Operation,

APSEB, Bhavani Nagar, Tirupathi, Chittoor District.

2. The Chief Engineer, Nellore Zone, APSEB, Nellore.

3. 2 C.D. copies